

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 LEONARD WINFREY,  
4 Plaintiff,  
5 v.  
6 BRITTANY,  
7 Defendant.

Case No.: 3:24-cv-00104-LRH-CSD

**ORDER GRANTING MOTION TO  
DISMISS CASE**

**(ECF No. 4)**

9 State prisoner Leonard Winfrey moves to dismiss this action, arguing it was filed  
10 in error due in part to old forms used in the prison's law library. (ECF No. 4). Plaintiff  
11 explains that he intended to file a single civil-rights action under 42 U.S.C. § 1983, and  
12 wants to pursue his claims in his earlier-filed action, which is styled *Winfrey v. Mitchell*,  
13 3:24-cv-00101-MMD-CLB. (*Id.* at 2). Federal Rule of Civil Procedure 41(a)(1)(A)(i)  
14 provides that a plaintiff may dismiss an action without a court order by filing "a notice of  
15 dismissal before the opposing party serves either an answer or a motion for summary  
16 judgment[.]" No party has appeared other than Plaintiff, and no responsive pleading or  
17 summary-judgment motion has been filed in this case. So voluntarily dismissal under Rule  
18 41(a)(1)(A)(i) is appropriate.

19 It is therefore ordered that Plaintiff's motion to dismiss this case (ECF No. 4) is  
20 granted.

21 It is further ordered that this case is dismissed without prejudice.

22 It is further ordered that Plaintiff's applications to proceed *in forma pauperis* (ECF  
23 Nos. 1, 1-1) are denied as moot.

24 The Clerk of the Court is directed to close this case.

25 DATED THIS 20<sup>th</sup> day of March, 2024.

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27   
28 LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE